

**BRYAN CAVE LLP**

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La Quinta Franchising, LLC.

**FILED**

JUN 11 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT, SAN FRANCISCO**

LA QUINTA FRANCHISING, LLC,  
a Nevada limited liability company,

Plaintiff,

vs.

CORDELIA HOTEL VENTURE, INC.,  
a California Corporation and DOLAT  
PATEL, an individual,

Defendants.

Case No. C072556 CW

[Assigned to Hon. Claudia Wilken]

DECLARATION OF HEATHER S.  
ORR IN SUPPORT OF WRIT OF  
EXECUTION

I, Heather S. Orr, declare and state as follows:

1. I am an attorney, duly licensed to practice before the United States District Court Northern District, for the State of California. I am an associate at Bryan Cave LLP, attorneys for Plaintiff La Quinta Franchising, LLC ("La Quinta Franchising"). I submit this declaration in support of the Writ of Execution, originally submitted on May 27, 2008 and re-submitted concurrently herewith. This Declaration is based upon my personal knowledge, and if I were called as a witness, I could and would testify as set forth below.

2. On December 13, 2007, this Court entered default judgment against the defendants in the amount of \$125,911.38. The judgment states that

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1 plaintiff is entitled to post-judgment interest in accordance with 28 U.S.C. § 1961,  
2 which provides that "[s]uch interest shall be calculated from the date of the entry of  
3 the judgment, at a rate equal to the weekly average 1-year constant maturity  
4 Treasury yield, as published by the Board of Governors of the Federal Reserve  
5 System, for the calendar week preceding [1] the date of the judgment." The weekly  
6 average of the maturity yield for the week ending on December 7, 2007, the week  
7 preceding entry of default judgment, was 3.17%. Attached as Exhibit "A" and  
8 incorporated herein is a true and correct copy of the U.S. Court webpage, available  
9 at <http://www.utsd.uscourts.gov/documents/int2007.html>, which reflects this interest  
10 rate.

11 3. The total interest due on the judgment amount of \$125,911.38,  
12 calculated at an interest rate of 3.17% equals \$3,991.39 per year or \$10.94 per day.  
13 The Writ of Execution was originally submitted on May 27, 2008, 166 days from  
14 the date of entry of default judgment. Therefore, the total amount of post-judgment  
15 interest due is \$1,816.04.

16 I declare under penalty of perjury under the laws of the State of  
17 California and United States of America that the foregoing is true and correct.

18 Executed on June 10, 2008, at Santa Monica, California.

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28  
  
Heather S. Orr

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# **EXHIBIT A**



# POST-JUDGMENT INTEREST RATES

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This rate will be applied to judgments of the courts affected by the provisions of 28 U.S.C. 1961, 18 U.S.C. 3612, and 40 U.S.C. 258(e)(1) and calculated in the manner prescribed therein.

## Select a Year

<a href="#">1994</a>	<a href="#">1995</a>	<a href="#">1996</a>	<a href="#">1997</a>	<a href="#">1998</a>	<a href="#">1999</a>	<a href="#">2000</a>	<a href="#">2001</a>
<a href="#">2002</a>	<a href="#">2003</a>	<a href="#">2004</a>	<a href="#">2005</a>	<a href="#">2006</a>	<a href="#">2007</a>	<a href="#">2008</a>	

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## EFFECTIVE DECEMBER 21, 2000

On December 21, 2000, the President signed legislation, amending 28 U.S. C. 1961(a), 18 U.S.C. 3612 (f)(2)(B) and 40 U.S.C. 258(e)(1), which eliminated using Treasury's 52-week United States Treasury Bills auction in determining the interest on post judgment debts. Under the new legislation, the government will use the interest rate from "**the weekly average 1-year constant maturity Treasury yield**, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceeding." This changes the effective date of new interest rates from quarterly to weekly.

### 28 U.S.C. 1961

Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges.

### 18 U.S.C. 3612 and 40 U.S.C 258(e)(1)

Interest on a fine shall be computed:

- A. daily (from the first day on which the defendant is liable for interest under paragraph (1)); and
- B. at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the first day on which the defendant is liable for interest under paragraph(1)

The revised sections took effect on all judgments entered on and after December 21, 2000. Only the rate that is applied to judgments has changed. All other computational procedures remain the same.

[US Courts Web Page on Post Judgment Interest Rates](#)

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*United States District Court, District of Utah. 350 South Main Street, Room 150, Salt Lake City, UT 84101. (801) 524-6100. E-mail: [Ut\\_support@utd.uscourts.gov](mailto:Ut_support@utd.uscourts.gov)*

# POST-JUDGMENT INTEREST RATE

2007

Weekly average 1-year constant maturity Treasury yield

Week Ending	Rate
01/05/2007	4.98%
01/12/2007	5.03%
01/19/2007	5.08%
01/26/2007	5.10%
02/02/2007	5.10%
02/09/2007	5.07%
02/16/2007	5.07%
02/23/2007	5.05%
03/02/2007	4.96%
03/09/2007	4.92%
03/16/2007	4.93%
03/23/2007	4.93%
03/30/2007	4.90%
04/06/2007	4.94%
04/13/2007	4.97%
04/20/2007	4.93%
04/27/2007	4.90%
05/04/2007	4.90%
05/11/2007	4.89%
05/18/2007	4.86%
05/25/2007	4.95%
06/01/2007	4.96%
06/08/2007	4.98%

06/15/2007	4.98%
06/22/2007	4.95%
06/29/2007	4.94%
07/06/2007	4.99%
07/13/2007	5.00%
07/20/2007	4.99%
07/27/2007	4.91%
08/03/2007	4.83%
08/10/2007	4.78%
08/17/2007	4.44%
08/24/2007	4.16%
08/31/2007	4.30%
09/07/2007	4.27%
09/14/2007	4.15%
09/21/2007	4.11%
09/28/2007	4.05%
10/05/2007	4.12%
10/12/2007	4.24%
10/19/2007	4.14%
10/26/2007	3.97%
11/02/2007	3.93%
11/09/2007	3.72%
11/16/2007	3.58%
11/23/2007	3.30%
11/30/2007	3.25%
12/07/2007	3.17%
12/14/2007	3.20%
12/21/2007	3.28%

12/28/2007

3.42%

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